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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/039,341   | 12/31/2001  | C. Douglass Thomas   | CDTP006D1                    | 3476                   |
| 7590<br>C. Douglass Thomas<br>1193 Capri Drive<br>Campbell, CA 95008 |             | 07/03/2007           | EXAMINER<br>RIMELL, SAMUEL G |                        |
|  |             |                      | ART UNIT<br>2164             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>07/03/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   |                 |                     |
|---|-----------------|---------------------|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | Application No. | Applicant(s)        |
|   | 10/039,341      | THOMAS, C. DOUGLASS |
| Examiner  | Art Unit        |                     |
| Sam Rimell  | 2164            |                     |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.

b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a)  They raise new issues that would require further consideration and/or search (see NOTE below);

(b)  They raise the issue of new matter (see NOTE below);

(c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_.

  
 Sam Rimell  
 Primary Examiner  
 Art Unit: 2164

Continuation of 11. does NOT place the application in condition for allowance because: Rejection of claim 13 under 35 USC 112, first paragraph: Applicant argues that the features of claim 13 are taught in FIGS. 8C-9 and the accompanying text. This argument is not correct. No portion of FIGS. 8C or 9 appear to disclose the identification of identical names or variants of a name. FIG. 8C is merely a map of network architecture. FIG. 9 does disclose a series of method steps, but as stated in the final office action, the system only identifies whether a domain name is registered or not registered.

Rejection of claims 1-12 and 31-33 as anticipated by Schneider. Applicant argues that FIG. 3A of Schneider does not disclose a monitoring process. This argument is not correct. As stated in the final office action, step 306 in FIG. 3A is the receipt of a request to monitor a name by initiating a search in a "WHOIS" database. Initiating a search is an act of monitoring. Applicant also argues that Schneider does not disclose periodic automatic monitoring. However, as stated in the final office action, claim 1 does not specify any aspects of this period. Accordingly, any repeated action by the user in performing the steps of FIG. 3A would anticipate this feature. With respect to claim 11, applicant further argues that claim 11 requires the sending of warning messages to registrants, not to the requestor. However, the "requester" and "registrant" are one and the same, since the requestor is applying for a registration, thus can also be defined as a registrant. A registrant is not necessarily a party that has already received the registration, but can also be the one applying for the registration. Accordingly, the messages displayed in the output of step (318) can also constitute warning messages to the registrant.